IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT APPEAL NO : 372 of 2005

Writ Appeal under Clause 15 of the Letters Patent against the Order dated 09/02/2004 in W.P.M.P.No.29456 of 2003 in WP NO: 22761 OF 2002 on the file of the High Court.

Between:

The Managing Director, A.P. State Cooperative Bank Limited,
Troop Bazar, Hyderabad.

..... APPELLANT

AND

1 M. Yella Reddy, S/o. Late Venkatram Reddy, G.M. (Retd)
A.P. State Cooperative Bank Limited, Troop Bazar, Hyderabad.
2 The Registrar of Co-op societies, Government of Andhra Pradesh, Gruhakalpa Buildings, Nampally, Hyderabad.
3 The Principal Secretary, Government of Andhra Pradesh,
Agricultural Cooperative (Coop.IV), Secretariat, Saifabad, Hyderabad.

.....RESPONDENTS

(The respondents 2 and 3 are not necessary parties and hence no notice need be issued to them)

Counsel for the Appellant:MR.A.H.RAMA KRISHNA RAO (SC FOR APCOB)

Counsel for the Respondent No.1: MR.NUTY RAM MOHAN RAO

Counsel for the Respondent Nos.2 and 3: G.P. for Cooperation.

The Court at the admission stage made the following:

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI GHULAM MOHAMMED

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W.A.No.372 of 2005

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ORAL JUDGMENT:

(Per the Hon'ble Sri Justice J.Chelameswar)

Aggrieved by the order dated 09-02-2004 in W.P.M.P.No.29456 of 2003 in W.P.No.22761 of 2002 the present appeal is preferred by the 1st respondent in the said writ petition.

The 1st respondent herein was an employee of the appellant herein and was scheduled to retire on the 30th September 2001 as Chief General Manager of the appellant. Alleging that the employee was responsible for certain irregularities in discharge of his official duties, a charge-memo was issued to the 1st respondent just before the date of his attaining the age of superannuation and another charge-memo was issued on 08-05-2002 i.e., after his retirement.

Complaining that some retirement benefits have not been passed on to the 1st respondent and also that certain title deeds deposited by the appellant herein as security for the grant of a housing loan availed by the 1st respondent, while he was in service, the above-mentioned writ petition was filed on various grounds. Along with the writ petition, the 1st respondent filed the above-mentioned miscellaneous petition for a direction to the appellant herein to release the gratuity etc., and also the title deeds referred above, immediately. By the order under appeal the learned single Judge of this Court granted interim direction as prayed for, which reads as follows:

" In view of the final orders in the disciplinary proceedings against the petitioner vide 1st respondent proceedings VC/DA-102/931 dated 25-8-2003 where by the only disciplinary order passed against the petitioner is that the period of his suspension namely 14-8-2001 to 20-9-2001 is to be without pay exclusive of subsistence allowance already paid to him, and as there is no other punishment imposed on the petitioner, there shall be interim direction to the respondents to forthwith release the

gratuity and other terminal benefits payable to the petitioner as well as the title deeds in respect of his house property which have been pledged with the respondent bank as a Security for the loan which the petitioner obtained from the bank, if the petitioner had discharged the entirety of loan amount together with interest, if any, payable to the bank.

Notice."

Hence, the present appeal.

It appears that admittedly the title deeds referred above have already been released by the appellant, but the retiral benefits have not been released so far in view of the pendency of the writ appeal. Admittedly, as there is no proceedings pending against the petitioner, when the matter appeared on the last occasion on 09-03-2005, in view of the submission made by the learned counsel for the appellant that the appellant had been corresponding with the 3rd respondent in the writ petition i.e. the Government of Andhra Pradesh, to initiate criminal proceedings against the 1st respondent herein, the matter was adjourned enabling the learned Government Pleader for Cooperation to verify the stand of the State of Andhra Pradesh in this regard.

Today, when the matter is taken up, the learned Government Pleader for Cooperation represented that he has been instructed by the Registrar of Cooperative Societies that the Government has decided not to take any action against the 1st respondent herein, in this regard.

In the circumstances, we see no reason to interfere with the order under appeal. Present appeal is dismissed at the stage of admission.

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J.Chelameswar, J

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Ghulam Mohammed, J

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16th March 2005.

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To

1 The Managing Director, A.P. State Cooperative Bank Limited, Troop Bazar, Hyderabad. (By special Messenger)

2 The Registrar of Co-op societies, Government of Andhra Pradesh, Gruhakalpa Buildings, Nampally, Hyderabad.

(By Special Messenger)

3 The Principal Secretary, Government of Andhra Pradesh, Agricultural Cooperative (Coop.IV), Secretariat, Saifabad, Hyderabad. (By Special Messenger)

(The addressees 2 and 3 are directed to be present before the

Court at 10.30 AM on 21.03.2005.)

4. 2 CCs to G.P. for Cooperation, High Court Buildings, Hyderabad (OUT) (with a request to communicate the order to both the above mentioned respondents 2 and 3).

5. 2 spare copies.